

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

ROBERT LEE HONG,

Plaintiff,

vs.

CASE NO.: 4:10-cv-155-SPM-WCS

WALTER MCNEIL, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the court upon the Magistrate Judge's Report and Recommendation (doc. 48). The Parties have been furnished copies and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 48) is ***adopted*** and incorporated by reference in this order.
2. Defendants' first Motion for Summary Judgment (doc. 44) is ***denied without prejudice***.
3. Defendants shall file an answer to the third amended complaint within ten days of the date of this Order.
4. This case is remanded to the Magistrate Judge for further

proceedings.

DONE AND ORDERED this twentieth day of April, 2011.

s/ Stephan P. Mickle
Stephan P. Mickle
Chief United States District Judge